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DATE MAÍLED: 07/14/2004

APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
09/864,756 05/24/2001		4/2001	David H. McConville	1999U019D1.US	3021	
25959	7590	07/14/2004		EXAMINER		
		OLOGIES LLC		NAZARIO GONZALEZ, PORFIRIO		
5555 SAN F HOUSTON.	,			ART UNIT	PAPER NUMBER	
				1621		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Appl	ication No.	Applicant(s)				
	09/8	64,756	MCCONVILLE ET AL.				
Office Action Summary	Exam	niner	Art Unit				
	Porfi	rio Nazario-Gonzalez	1621				
The MAILING DATE of this comp Period for Reply	munication appears o	n the cover sheet with the	correspondence address				
A SHORTENED STATUTORY PERIO THE MAILING DATE OF THIS COMM - Extensions of time may be available under the provi after SIX (6) MONTHS from the mailing date of this - If the period for reply specified above is less than th - If NO period for reply is specified above, the maximu - Failure to reply within the set or extended period for Any reply received by the Office later than three mo earned patent term adjustment. See 37 CFR 1.704	UNICATION. sions of 37 CFR 1.136(a). In communication. rty (30) days, a reply within the material statutory period will apply reply will, by statute, cause that after the mailing date of the safter the mailing date.	no event, however, may a reply be the statutory minimum of thirty (30) of and will expire SIX (6) MONTHS fro the application to become ABANDO	timely filed days will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).				
Status							
1) Responsive to communication(s) filed on <i>04 June 20</i>	<u>004</u> .					
2a) This action is FINAL .	2b)⊠ This actior	n is non-final.					
, —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims							
4) Claim(s) 30-36 is/are pending in 4a) Of the above claim(s) 5) Claim(s) is/are allowed. 6) Claim(s) 30-32,34 and 36 is/are 7) Claim(s) 33 and 35 is/are object. 8) Claim(s) are subject to re	is/are withdrawn from rejected. ed to.						
9) The specification is objected to b 10) The drawing(s) filed on is/ Applicant may not request that any Replacement drawing sheet(s) inclu 11) The oath or declaration is objected	are: a) ☐ accepted objection to the drawing ding the correction is re	g(s) be held in abeyance. Sequired if the drawing(s) is	See 37 CFR 1.85(a). objected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119							
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
Attachment(s) 1) \(\sum \) Notice of References Cited (PTO-892)		4) 🔲 Interview Summa					
 2) Notice of Draftsperson's Patent Drawing Revie 3) Information Disclosure Statement(s) (PTO-144 Paper No(s)/Mail Date 		Paper No(s)/Mail 5) Notice of Informa 6) Other:	Date I Patent Application (PTO-152)				

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DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of adduct disclosed at pages 21-22 (Example 7) in the reply filed on June 04, 2004 is acknowledged.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 30-32, 34 and 36 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Scollard et al., Macromolecules, Vol. 29, pp. 5241-5243 (1996). Scollard et al. discloses a reaction scheme (see page 5241) in which silylated diamines are reacted with titanium tetrachloride using xylenes under reflux conditions to form a chelated diamine titanium dichloride complex. On a second step, the chelated diamine titanium dichloride complex is reacted with a Grignard reagent to form the final product. This process scheme clearly anticipates claim 30-32. Furthermore, the first step of the above reaction scheme also anticipates claims 34 and 36.

Allowable Subject Matter

4. Claims 33 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. It is noted that the elected adduct is novel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Porfirio Nazario-Gonzalez whose telephone number is 571-272-0641. The examiner can normally be reached on Mon.-Fri. (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Johann R. Richter can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PNG July 9, 2004